

**PATENT**  
**Docket No. GC396-2**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Brian S. MILLER et al.

Application No.: 09/262,126

Confirmation No.: 8961

Filed: March 3, 1999

Art Unit: 1652

For: Modified Forms of Pullulanase

Examiner: Rosanne Kosson

**STATEMENT OF SUBSTANCE OF INTERVIEW**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

This is in response to the Interview Summary mailed on July 28, 2008. The Interview Summary states that a statement of the substance of the interview must be filed by the later date of one month or thirty days from the interview date (July 21, 2008) or the mailing date of the interview summary form (July 28, 2008). This response is timely filed.

## **REMARKS**

In telephonic interviews between Examiner Rosanne Kosson and Applicants' representative Jill Jacobson on July 21 and 22, 2008, the pending claims and a proposed Examiner's Amendment to the claims that had been faxed to Applicants' representative prior to the interview were discussed.

Applicants do not agree with the Examiner's statements in the Interview Summary concerning an alleged lack of difference in scope between claims 56 and 70 and the claims from which they depend, claims 14 and 67, respectively. Applicants respectfully maintain that "SEQ ID NO:1" is of a different scope than "nucleic acid encoding the mature form of the *Bacillus deramificans* pullulanase of SEQ ID NO:2," the latter being broader in scope than the former due to degeneracy of the genetic code. All claims cancelled in accordance with the proposed Examiner's Amendment were cancelled solely to expedite prosecution and without acquiescence to any rejections or objections by the U.S. Patent and Trademark Office.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 07-1048, referencing Docket No. GC396-2. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: August 20, 2008

By Jill A. Jacobson/

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